

**STATE OF FLORIDA
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

In re:

SFWMD ORDER NO. 2022-014-DAO

EMERGENCY AUTHORIZATION FOR
TEMPORARY BURN BAN ON DISTRICT
LANDS SUBJECT TO CHAPTER 40E-7,
Part V, F.A.C., IN LEE, COLLIER AND
HENDRY COUNTIES DUE TO DRY
CONDITIONS AND IMMINENT DANGER OF
WILDFIRES

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**RECEIVED
DISTRICT CLERK'S OFFICE**

10:29 am Apr 1, 2022

**SOUTH FLORIDA
WATER MANAGEMENT DISTRICT**

RB

EMERGENCY FINAL ORDER

The Executive Director of the South Florida Water Management District ("SFWMD") enters this Emergency Final Order ("Order") under sections 120.569(2)(n), 373.016, 373.119(2), and 373.1391, Florida Statutes ("Fla. Stat."), in response to the imminent danger of wildfires due to dry windy weather conditions, and out of concern for the threat to the public health, safety, and welfare of the citizens of the State of Florida, natural resources, and recreational use of SFWMD Lands.¹

FINDINGS OF FACT

1. South Florida is experiencing extremely dry conditions and the current weather outlook calls for the threat of fire to remain high in south Florida through the end of fire season in June.

¹ "SFWMD Lands" shall mean "any real property in which the District has an interest and is limited to Management Areas, Stormwater Treatment Areas, Impoundment Areas, Right of Way, and vacant undesignated lands" Fla. Admin. Code r. 40E-7.521(6).

2. As of March 27, 2022, 1,049 wildfires have burned 55,481 acres in Florida this year.

3. The danger of additional wildfires will increase dramatically if dry conditions persist.

4. Collier County and adjacent Hendry County, both within the SFWMD's jurisdiction, have established burn bans.

5. The building or maintaining of fires for recreational purposes in fireplaces and fire rings provided by the SFWMD on SFWMD Lands open to the public, as provided for under Chapter 40E-7.537(9), F.A.C., could result in additional wildfires. Therefore, the SFWMD finds that the building or maintaining of fires in fireplaces and fire rings on SFWMD Lands in current weather conditions threatens the public health, safety and welfare, natural resources, and recreational use of SFWMD Lands.

6. Immediate action is necessary to prevent or ameliorate dangers to the public health, safety and welfare, natural resources, and recreational use of the SFWMD Lands posed by the increased risk of wildfires during the current dry weather conditions and SFWMD finds that an emergency authorization is required to address the need for immediate action.

7. A Notice of Rights is attached hereto as Exhibit "A".

CONCLUSIONS OF LAW

8. The Executive Director of SFWMD is authorized to issue emergency orders with concurrence of the Governing Board by sections 120.569(2)(n) and 373.119(2), Fla. Stat., and to immediately employ any remedial means necessary to meet the emergency when immediate action is necessary to protect public health, safety, or welfare.

9. Based on the findings recited in this Order and pursuant to Section 373.119(2), Fla. Stat., it is hereby concluded that the current dry conditions and increased risk of wildfires threatens the public health, safety, and welfare, natural resources, and recreational use of the Subject Lands, thereby requiring SFWMD to issue an immediate order (i) extending the prohibitions of Rule 40E-7.537(9), Fla. Admin. Code, to include fireplaces and fire rings provided by the District on SFWMD Lands, and (ii) limiting the use of portable campstoves and grills provided by the users and grills on SFWMD Lands for cooking only in order to protect the public health, safety, and welfare, natural resources and recreational use of SFWMD Lands.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, the Executive Director orders that:

10. The building or maintaining of fires in fireplaces and fire rings provided by SFWMD or other authorized management agencies on SFWMD Lands located in Lee, Collier, and Hendry Counties otherwise allowed under Rule 40E-7.537(9), Fla. Admin. Code, is hereby prohibited until this Order is rescinded.

11. The use of portable campstoves and grills on SFWMD Lands located in Lee, Collier, and Hendry Counties subject to Chapter 40E-7, Part V, Fla. Admin. Code, is allowed for cooking purposes only.

12. Failure to comply with the terms of this Order shall constitute a violation of a SFWMD Final Order under Chapter 373, Fla. Stat., and enforcement proceedings may be brought in any appropriate administrative or judicial forum.

13. This Order shall take effect immediately upon execution by the Executive Director of the SFWMD and shall remain in effect until rescinded by the Executive Director or the Governing Board of the SFWMD.

DONE AND SO ORDERED in West Palm Beach, Florida, on this 1 day of April, 2022.

SOUTH FLORIDA WATER
MANAGEMENT DISTRICT
By its Executive Director



DREW BARTLETT
Executive Director